

### III. REMARKS

1. Claims 1-12 and 14-26 remain in the application. Claims 13 and 27 have been cancelled without prejudice. Claims 1, 18, and 21 have been amended. Support for the amendment may be found in the specification, for example, on page 6, lines 4-17.

2. Applicants respectfully submit that claims 1-26 are not anticipated by Kulberg et al. (US 5,850,612, "Kulberg") under 35 USC 102(e).

Kulberg fails to disclose or suggest

first and second stop pins positioned within the radio telephone,

wherein the antenna is arranged to pivot about the pivot point only at an acute angle in a single plane between a first position defined by the first stop pin in which it projects from a top surface of the telephone, and a second position defined by the second stop pin in which it projects from the top surface of the telephone, the antenna being biased and configured to be locked as the antenna pivots,

wherein the single plane is substantially perpendicular to a front surface of the radio telephone.

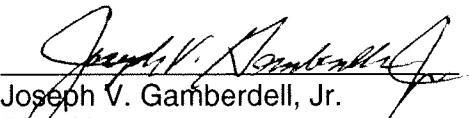
as recited by claims 1 and 18.

At least for these reasons, Applicants submit that Kulberg does not anticipate independent claims 1, 18, and 21, and dependent claims 2-12, 14-17, 19, 20, and 22-26.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

  
\_\_\_\_\_  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512